

**Appln No. 10/662,916**

**Amdt date August 11, 2004**

**Reply to Office action of May 11, 2004**

**REMARKS/ARGUMENTS**

The above amendments and these remarks are responsive to the Office Action mailed on May 11, 2004. Claims 1 and 8 have been amended for clarity. Claims 22 and 23 have been added and are directed to subject matter disclosed in the application as originally filed. No new matter has been added. Claims 1-23 are now pending in this application. Reconsideration on the basis of the above amendments and remarks below is kindly requested.

The undersigned attorney also wishes to thank the Examiner for the telephonic interview on June 29, 2004 where the teachings of Atemboski and Brooker were generally discussed.

The Examiner rejected claims 1-15 and 19-21 under 35 USC §112, second paragraph. Specifically, the Examiner rejected claims 1 as lacking the word "board" after the word "concrete" in line 7. Claims 1 has been amended accordingly. Claims 1-15 and 19-21 were considered to be inoperable by the Examiner since, according to the Examiner there is no means for providing gases to the burner recited in the claims such as a fuel inlet opening in the burner pan and a fuel distribution space defined between the burner pan and the concrete board. Furthermore, according to the Examiner, claims 1, 8 and 19 should recite burner ports formed through the thickness of the concrete and ceramic boards for the passage of gases there through so as to present a complete operable device. Claim 1 has been amended to require that at least one port is formed through at least one of said concrete and ceramic boards and that an inlet is formed on the burner for receiving a fuel. Similarly, claim 8 has been

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amended to require at least one port formed through at least one of said refractory and ceramic boards and an inlet formed on the burner for receiving a fuel. Applicant submits that claims 1 and 8 as now pending in this application present a complete operable device.

Claims 19-21, however, are directed to a method and not the device itself. As such, applicants submit that there is no need to include any limitation directed to the device in claims 19-21 since the method claimed therein is fully viable.

The Examiner rejected claims 1-5 and 8-12 under 35 USC §103(a) as being unpatentable over Atemboski in view of Brooker. Applicant respectfully disagrees.

Claim 1 is directed to a burner comprising a concrete board, a ceramic board embedded in the concrete board and a pan coupled to the concrete board. Claim 8 is directed to a burner comprising a refractory board, a ceramic board embedded in the refractory board, and a pan coupled to the refractory board.

Atemboski, according to the Examiner, discloses the invention substantially as claimed with the exception that it does not disclose a ceramic board. Brooker, according to the Examiner, teaches the use of a heat-resistant ceramic board/insert (72, Figure 3) embedded within the refractory combustion surface 62. Brooker, specifically teaches a protected refractory member 70 which includes an one-piece annular insert 72 formed from a suitable refractory material, which can be of the ceramic type for dealing with a problem of thermal and thermal-chemical degradation of a fuel injector (see Brooker, Column 5, Lines 36-45). As shown in Figure 1 of

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Brooker, it becomes apparent that the refractory member 70 is the one piece annular insert 72 which is mounted on an end surface 62 of the nozzle. There does not appear to be any disclosure or teaching in Brooker that the end surface 62 is made from a concrete material or a refractory material. In fact, if the end surface 62 was made from a concrete material, there would no reason to include the refractory material insert 72 into the surface 62. Thus, Brooker does not disclose, teach or suggest the embedding of a ceramic insert into a concrete or a refractory board. Consequently, there is no teaching in Brooker nor Atemboski to embed a ceramic board into a concrete board or to embed a ceramic board into a refractory board as required by claims 1 and 8, respectively, in this application. As such, applicant submits that the rejections to claims 1 and 8 over Atemboski in view of Brooker should be withdrawn.

Claims 2-5 are dependent from claim 1. Claims 9-12 are dependent from claims 8. Claims 1 and 8 are now believed to be in condition for allowance over Atemboski in view of Brooker. As such, claims 2-5 and 9-12 are also in condition for allowance over Atemboski in view of Brooker as being dependent from allowable base claims and for the additional limitations they contain therein.

Claims 22 and 23 are also dependent from claims 1 and 8, respectively. As such, applicant submits that claims 22 and 23 are also in condition for allowance as being dependent from allowable base claims and for the additional limitations they contain therein.

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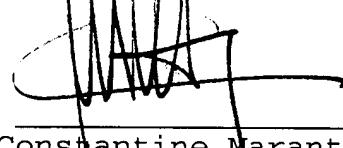
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The rejections and objections to all claims pending in this application are believed to have been overcome and this application is now believed to be in condition for allowance. Should the Examiner have any remaining questions or concerns about the allowability of this application, the Examiner is kindly requested to call the undersigned attorney to discuss them.

Respectfully submitted,

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